



Reprinted  
February 22, 2001

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## HOUSE BILL No. 1478

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DIGEST OF HB 1478 (Updated February 21, 2001 5:22 PM - DI 106)

**Citations Affected:** IC 34-6; IC 34-30; noncode.

**Synopsis:** Physician immunity. Provides good samaritan immunity to a physician or registered nurse acting outside the scope of the physician's or nurse's employment.

**Effective:** July 1, 2001.

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**Porter, Steele, Kuzman, Ulmer**

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January 11, 2001, read first time and referred to Committee on Judiciary.  
February 14, 2001, amended, reported — Do Pass.  
February 21, 2001, read second time, amended, ordered engrossed.

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HB 1478—LS 7768/DI 106+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1478

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-6-2-51, AS AMENDED BY P.L.1-1999,  
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2001]: Sec. 51. (a) **The persons to whom this section applies**  
4 **include a physician acting outside the scope of the physician's**  
5 **employment or a registered nurse acting outside the scope of the**  
6 **nurse's employment.**  
7 (b) "Gratuitously renders emergency care", for purposes of  
8 IC 34-30-12-1, means the giving of emergency care (including the use  
9 of an automatic external defibrillator):  
10 (1) that was volunteered without legal obligation on the part of the  
11 person rendering the emergency care; and  
12 (2) for which the person rendering the emergency care does not  
13 expect remuneration.  
14 (b) (c) Emergency care may not be considered to be gratuitously  
15 rendered emergency care solely because of the failure to send a bill for  
16 the emergency care.  
17 SECTION 2. IC 34-6-2-106 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 106. "Physician" ~~for~~  
 2 ~~purposes of IC 34-18~~, has the meaning set forth in IC 34-18-2-23.

3 SECTION 3. IC 34-30-12-1, AS AMENDED BY P.L.1-1999,  
 4 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2001]: Sec. 1. (a) This section does not apply to services  
 6 rendered by a health care provider (as defined in IC 34-18-2-14 or  
 7 IC 27-12-2-14 before its repeal) to a patient in a health care facility (as  
 8 defined in IC 27-8-10-1).

9 (b) Except as provided in subsection (c), a person, **including a**  
 10 **physician acting outside the scope of the physician's employment**  
 11 **or a registered nurse acting outside the scope of the nurse's**  
 12 **employment**, who comes upon the scene of an emergency or accident  
 13 or is summoned to the scene of an emergency or accident and, in good  
 14 faith, gratuitously renders emergency care at the scene of the  
 15 emergency or accident is immune from civil liability for any personal  
 16 injury that results from:

17 (1) any act or omission by the person in rendering the emergency  
 18 care; or

19 (2) any act or failure to act to provide or arrange for further  
 20 medical treatment or care for the injured person;

21 except for acts or omissions amounting to gross negligence or willful  
 22 or wanton misconduct.

23 (c) This subsection applies to a person to whom IC 16-31-6.5  
 24 applies. A person who gratuitously renders emergency care involving  
 25 the use of an automatic external defibrillator is immune from liability  
 26 for any act or omission not amounting to gross negligence or willful or  
 27 wanton misconduct if the person fulfills the requirements set forth in  
 28 IC 16-31-6.5.

29 (d) This subsection applies to an individual, business, or  
 30 organization to which IC 16-31-6.5 applies. An individual, business, or  
 31 organization that allows a person who is an expected user to use an  
 32 automatic external defibrillator of the individual, business, or  
 33 organization to in good faith gratuitously render emergency care is  
 34 immune from civil liability for any damages resulting from an act or  
 35 omission not amounting to gross negligence or willful or wanton  
 36 misconduct by the user or for acquiring or providing the automatic  
 37 external defibrillator to the user for the purpose of rendering the  
 38 emergency care if the individual, business, or organization and the user  
 39 fulfill the requirements set forth in IC 16-31-6.5.

40 SECTION 4. [EFFECTIVE JULY 1, 2001] **IC 34-6-2-51,**  
 41 **IC 34-6-2-106, and IC 34-30-12-1, all as amended by this act, apply**  
 42 **only to care rendered after June 30, 2001.**



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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1478, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 15 and 16, insert:

"SECTION 2. IC 34-6-2-88 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 88. "Nonparty", for purposes of IC 34-51-2, means a person who caused or contributed to cause the alleged injury, death, or damage to property, **and who is or may be liable to the claimant in part or in whole for the damages claimed**, but who has not been joined in the action as a defendant."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1478 as introduced.)

STURTZ, Chair

Committee Vote: yeas 12, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1478 as printed February 15, 2001.)

PORTER

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

Page 1, line 4, delete "." and insert "**or a registered nurse acting outside the scope of the nurse's employment.**"

Page 2, line 15, delete "," and insert "**or a registered nurse acting outside the scope of the nurse's employment,**".

(Reference is to HB 1478 as printed February 15, 2001.)

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